

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

STEVE MONTLE,

Plaintiff,

v.

Case No: 05-10137-BC
Honorable David M. Lawson

WESTWOOD HEIGHTS SCHOOL DISTRICT,
A Michigan Governmental Unit, JERRI-LYNN
WILLIAMS, in her individual capacity and
GEORGE GRAY, in his individual capacity,

Defendants.

ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION

Before the Court is the defendants' motion seeking reconsideration of the Court's denial of their motion for judgment as a matter of law. The defendants ask the Court to find that as a matter of law the plaintiff's wearing of a t-shirt displaying the statement "Working Without a Contract" does not constitute speech on a matter of public concern. Such a finding, the defendants assert, would be grounds for reconsidering the decision on the motion judgment as a matter of law.

Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(g)(1) when the moving party shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). The Local Rules provide, however, that any "motions for rehearing or reconsideration which merely present the same issues ruled upon by the Court, either expressly or by reasonable implication, shall not be granted." E.D. Mich. LR 7.1(g)(3). A motion for reconsideration must be filed within ten days after entry of the order. E.D. Mich. LR 7.1(g)(1).

The defendants here have not demonstrated any mistake of fact or law that amounts to a “palpable defect.” Rather, the defendants re-assert the arguments presented when their original motion was made. The Court rejected these arguments and found that the speech involved is on a matter of public concern. The defendants have not shown that this decision was obviously defective.

Accordingly, it is **ORDERED** that the defendants’ motion for reconsideration of the Court’s denial of their motion for judgment as a matter of law [dkt # 34] is **DENIED**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: June 9, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 9, 2006.

s/Tracy A. Jacobs

TRACY A. JACOBS